

## **REMARKS**

Claims 1-50 are pending and under consideration.

### **Specification**

The specification has been amended to substitute the Sequence Listing with a Substitute Sequence Listing in compliance with the Notice To Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures, a response to which is included herewith.

The Examiner noted that the blank on page 22, line 19 needs to be filled in. In response, Applicants have amended the specification at page 22, line 19 to recite Genbank Accession No. AF453747. Genbank Accession No. AF453747 corresponds to the sequence submitted to Genbank by the inventors and corresponds to SEQ ID NO:26.

No new matter has been added by these amendments. Accordingly, Applicants respectfully request their entry.

The Examiner noted that the status of U.S. Application No. 09/173,864, listed on page 27, line 23, will need to be updated upon being allowed or abandoned. Applicants note that the status of this application has not changed as it has not been allowed or abandoned.

### **Drawings**

The Examiner objected to the drawings because Fig. 4 is four pages long. The Examiner suggested labeling the four pages Fig. 4A, Fig. 4B, Fig. 4C and Fig. 4D. The Examiner also suggested changing the description of Fig. 4 on page 6, line 22 to Fig. 4A-4D. In response, pursuant to the Examiner's suggestions, Applicants have re-labeled the four pages of Fig. 4 as Fig. 4A, Fig. 4B, Fig. 4C and Fig. 4D. and changed the description of Fig. 4 at page 6, line 22 to reflect this change. Applicants have also changed all occurrences of Fig. 4 within the specification to reflect this change.

Applicants respectfully request entry of the corrected drawings and withdrawal of the objection.

### **Election/Restrictions**

The Examiner has required restriction under 35 U.S.C. § 121 to one of the following inventions:

Group I	Claims 1-37, drawn to a nucleic acid comprising an avian ovomucoid gene expression control region comprising SEQ ID NO:26 or a degenerate variant thereof, a vector comprising an avian ovomucoid gene expression control region operably linked to a nucleic acid encoding a protein, a method of expressing a heterologous protein in a host cell using DNA comprising an avian ovomucoid gene expression control region and a cell transformed with said vector, classified in class 536, subclass 23.1
Group II	Claims 38-47, drawn to a transgenic avian having a heterologous nucleic acid sequence comprising an avian ovomucoid gene expression control region, classified in class 800, subclass 19
Group III	Claims 48-50, drawn to a nucleic acid sequence having a codon complement optimized for protein expression in an avian, classified in class 536, subclass 23.1

The Examiner contends that the inventions of the above Groups are distinct, each from the other.

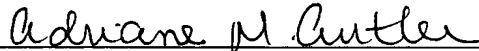
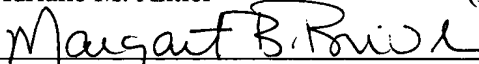
In response, Applicants hereby elect the invention of Group I, claims 1-37, drawn to a nucleic acid comprising an avian ovomucoid gene expression control region comprising SEQ ID NO:26 or a degenerate variant thereof, a vector comprising an avian ovomucoid gene expression control region operably linked to a nucleic acid encoding a protein, a method of expressing a heterologous protein in a host cell using DNA comprising an avian ovomucoid gene expression control region and a cell transformed with said vector, classified in class 536, subclass 23.1, without traverse.

### CONCLUSION

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the present application.

Respectfully submitted,

Date: October 21, 2003

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Enclosures